

WASHINGTON COUNTY COMMISSION
MEETING MINUTES
JANUARY 18, 2011

The Regular Meeting of the Board of the Washington County Commission was called to order by Chairman Dennis Drake at 4:00 p.m. on January 18, 2011, in the Commission Chambers, Washington County Administration Building, St. George, Utah. Those in attendance were Commission Chairman Dennis Drake, Commissioner James J. Eardley, Commissioner Alan D. Gardner, Washington County Administrator Dean J. Cox, Deputy County Attorney David L. Patterson, and Deputy County Clerk Christine Hall.

The Spectrum was not represented at the meeting.

Commissioner Eardley led the Pledge of Allegiance.

AGENDA

CONSENT AGENDA:

The Consent Agenda is a means of expediting routine matters which come before the Commission for approval. The Consent Portion of the agenda is approved by one (1) non-debatable motion. If any Commissioner wishes to remove an item from the Consent Portion of the agenda, then that item becomes the first order of business on the regular agenda.

- Consideration of Auditor Approved Claims for Payment for January 5, 2011, through January 18, 2011
- Consideration of Regular Commission Meeting Minutes of December 27, 2010
- Consideration of Administrative Adjustments / Real Property (attached)
- Consideration of Administrative Adjustments / Personal Property (attached)
- Consideration of Application for Settlement or Deferral of Property Taxes: Jeff & Joni Buehner, Serial Number SC-VY-8-1

Actions Of The Washington County Planning Commission Meeting / 01-11-11

Conditional Use Permit Extension: Review extension to install the UNEV petroleum pipeline using the IPP/Kern River corridor for a fuel transmission line running through Washington County northeasterly to southwesterly. Trevor Townsend, applicant/agent

This is the third (3rd) extension and the applicant previously submitted a route plat showing the location of petroleum pipeline, with the 12" line sizing. Public utilities and transmission lines are conditionally approved within OSC-20 and OST-20 (County Code 10-6A &B-3). After three (3) years the applicant has started construction. As reviewed previously, the project was reviewed and permitted by BLM, with extensive environmental studies conducted complying with the National Environmental Policy Act

(NEPA). The route of the pipeline through Washington County is a total of 48.16 miles in length. Ownership along the alignment of this pipeline is divided as follows: United States Forest Service, 28.8 miles; BLM, 14.5 miles; State Trust Land, 2.79 miles; and private ownership, 2.07 miles. UNEV is a 400-mile pipeline that originates near the refineries in North Salt Lake City and will deliver refined petroleum products to a terminal near Cedar City and a terminal in North Las Vegas. The system will carry 62,000 barrels per day; the Iron County terminal will have the capacity to hold 165,000 barrels and the North Las Vegas terminal will hold 300,000 barrels. The line is jointly owned by Holly Energy Corporation, a Texas-based petroleum provider, and Utah-based Sinclair Transportation Company. *Unanimously approved by the Planning Commission for a period of one year.*

Conditional Use Permit Extension: Review extension for a staging area for pipe storage yard to be used on the UNEV Pipeline, containing 13,300 acres, the Fenton Bowler property in Veyo. Trevor Townsend, agent/UNEV Pipeline LLC, applicant

The applicant previously showed a need for a staging area in the County. The ideal location is the Bowler property in Veyo, which was previously used by IPP and Kern River. The applicant has submitted an updated copy of UNEV Pipelines lease agreement with Fenton Bowler until November 30, 2011. As reported previously their first shipment of pipe arrived by railway on the 11th of February 2008 and was trucked from Cedar City to the site in Veyo. The applicant advised that most of the line has been installed from New Castle and beyond Gunlock, although there are some areas they have to re-connect. The wet weather has caused some delays. *Unanimously approved by the Planning Commission for one year, subject to the applicant's providing staff with information regarding sanitation and waste removal.*

Conditional Use Permit Extension: Review extension on installation and approval of the Ash Creek pipeline distribution for the Washington County Water Conservancy District near the Cottam Well and Toquerville area. Washington County Water Conservancy District/Ron Thompson, applicant; Alpha Engineering, agent

Doug Wilson stepped down from the podium to present this item, which is an automatic annual review. The applicant submitted a route plat showing location of the Wet Sandy Irrigation Pipe Line Project. The purpose of the project was to provide for enhanced conservation of water and to fulfill contractual obligations to the holders of water rights in the area. This project consisted of installing an irrigation pipeline and a new concrete diversion dam, and upgrades an existing settling pond on lands administered by the USFS Pine Valley Ranger District and the Dixie National Forest and the BLM's St. George Field Office, as well as private lands. Public utilities and transmission lines are

conditionally approved within OSC and OST-20 zone (County Code 10-6A-3 & 10-6B-3). *Unanimously approved by the Planning Commission on a permanent basis.*

Conditional Use Permit Extension: Review extension for the Ironman St. George Triathlon to take place in Washington County on May 7, 2011. Jeff Gardner, agent

This is an automatic annual review. As previously reported, the number of IRONMAN applicants will be capped at 2,500 and to date 1,918 participants have signed up for the May 7th, 2011 triathlon. The agent has submitted plans for the bike course, which runs 112 miles and loops twice from Old Hwy 91 to Gunlock, Veyo, Hwy 18 and Bluff Street. The bike ride is the only portion of the IRONMAN event within County jurisdiction. There will be three (3) Bike Aid stations in the unincorporated area of the County as follows: 1) on Main Street in Gunlock just after the church; 2) on Center Street in Veyo about 2 blocks before SR-18; and 3) Bike Special Needs located between Dammeron Valley Rd. and Homestead Dr. These types of events are reviewed conditionally at a public meeting to ensure that citizens have the opportunity to comment on the application (County Code 10-18-2 (amended 2008)). The bike course is the 2nd event and has a cut-off at the start of the second loop (64 mile mark) at 2:05pm. Any rider who has not reached the start of the second loop of the bike by 2:05pm will not be permitted to continue. The bike course will close at 5:30pm. Athletes arriving at the bike dismount line after 5:30pm will not be permitted to continue. The swim course will be the 1st part of the event, which is 2.4 miles at the Sand Hollow Reservoir in Hurricane. This course will close at 9:20am – two hours and twenty minutes after the start. Athletes who have not crossed the timing mat at the swim exit by 9:20am will not be permitted to continue. The run course is the last event of the day and is 26.2 miles, 2 loops along Main St. Diagonal Rd, Bluff and Red Hills Pkwy in St. George. There is a cut-off at the half way point of the run (13.1 miles) at 9pm. Athletes who have not reached the turnaround at Main and Tabernacle Streets by 9pm will not be permitted to continue. The run course will close at midnight. All athletes still on the run course after the cutoff time will be disqualified but given the opportunity to unofficially finish the race. Road closures for the 112-mile Bike Course are at the same locations as last year. The County Sheriff's Office has written a letter stating it will provide services for the event and have discussed a safety plan. A certificate of insurance has been submitted showing the County as beneficiary. Aid stations and sanitation facilities were adequate at the previous event. *Unanimously approved by the Planning Commission.*

Conditional Use Permit: Request permission for the Utah Summer Games triathlon to be held on June 18, 2011. The event will begin at Gunlock Reservoir and end at the Snow Canyon High School, traveling on County Road Old Highway 91. Jeff Gardner, applicant

This triathlon will be known as the “Utah Summer Games Triathlon.” These types of events are conditionally approved in the County unincorporated areas. This is the 1st request for this type of event in the summer of the year. There are now four (4) entities involved: Ivins, Santa Clara, State Parks, and the County. The race starts at the Gunlock Reservoir and finishes on the track at Snow Canyon High School. The Sprint Distance race consists of: 1) 750 Meter Swim; 2) 15 Mile Bike; and 3) 5k Run. The applicant should be working with the Public Works Department to meet County requirements for use on the Gunlock Road and Old Hwy 91. The County Sheriff’s Office has written a letter stating it will provide services for the event and have discussed a safety plan. A certificate of insurance has been submitted showing the County as beneficiary. Additional sanitation facilities will be located at the State Park site and at the finish line at Snow Canyon High School. *Unanimously approved by the Planning Commission.*

MOTION: Motion by Commissioner Eardley to Approve the Consent Agenda as presented. Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Drake, Eardley, and Gardner voting aye.

REGULAR AGENDA ITEMS FOR CONSIDERATION:

EMERGENCY SERVICES REPORT / BART BAILEY

Undersheriff Bart Bailey presented the Emergency Services report today. In the future, this will be handled by Lt. Rob Tersigni of the Washington County Sheriff’s Office.

Undersheriff Bailey reported on Search and Rescue call-outs near Danish Ranch Road, Motoqua Road, and Island in the Sky where stranded hikers required both a rescue and a recovery. One victim fell from a cliff, and his body was recovered the next day. All together, since the last report thirty-seven (37) Search and Rescue members responded with a total of two hundred and thirteen (213) man-hours and two and one half (2-1/2) helicopter hours. Commissioner Eardley asked whether there is some way to reduce the dangers near Island in the Sky, and Undersheriff Bailey said that education is key. Many hikers, even experienced ones, underestimate the danger and overestimate their abilities.

PURCHASE REQUESTS / MARK BLANCH

Trevor Coombs, Internal Auditor, presented the purchase requests for consideration.

Building Maintenance, motion sensor equipment	\$ 21,675.07
HCP, vegetation removal/cleanup at Confluence Park	\$ 20,000.00

The purchase request for Habitat Conservation Plan (HCP) is tied to the Resolution R-2011-1530, to be considered below.

All purchases are budgeted, bonded, or paid for through grant funds.

MOTION: Motion by Commissioner Gardner to Approve the Above Purchase Requests. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Drake, Eardley, and Gardner voting aye.

CONSIDERATION OF ORDINANCE NO. 2011-1004-O, AN ORDINANCE AMENDING AND SUPERSEDING TITLE 10, CHAPTER 21 OF THE WASHINGTON COUNTY CODE (WIRELESS TELECOMMUNICATION FACILITIES)

Washington County Planner Deon Goheen said that this item has been under consideration for nearly one year. Public hearings have been held, and the Planning Commission has reviewed all applicable law.

MOTION: Motion by Commissioner Eardley to Adopt Ordinance No. 2011-1004-O, An Ordinance Amending And Superseding Title 10, Chapter 21 Of The Washington County Code (Wireless Telecommunication Facilities). Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Drake, Eardley, and Gardner voting aye.

CONSIDERATION OF RESOLUTION NO. R-2011-1528, A RESOLUTION APPROVING AN ENGAGEMENT AGREEMENT BETWEEN ALTERNATIVE RISK SOLUTIONS, LLC, AND WASHINGTON COUNTY FOR THE PURPOSE OF ADMINISTRATION AND PLACEMENT OF WASHINGTON COUNTY'S EXCESS LOSS INSURANCE AGREEMENT

Administrator Dean Cox said that recently the County made a change to its health-insurance administrator. This agreement is for stop-loss insurance.

MOTION: Motion by Commissioner Gardner to Adopt Resolution No. R-2011-1528, A Resolution Approving An Engagement Agreement Between Alternative Risk Solutions, LLC, And Washington County For The Purpose Of Administration And Placement Of Washington County's Excess Loss Insurance Agreement. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Drake, Eardley, and Gardner voting aye.

CONSIDERATION OF RESOLUTION NO. R-2011-1529, A RESOLUTION APPROVING THE 2011 COOPERATIVE AGREEMENT BETWEEN

WASHINGTON COUNTY AND THE UTAH DIVISION OF WILDLIFE RESOURCES

Commissioner Gardner explained that this is an annual renewal.

MOTION: Motion by Commissioner Gardner to Adopt Resolution No. R-2011-1529, A Resolution Approving The 2011 Cooperative Agreement Between Washington County And The Utah Division Of Wildlife Resources. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Drake, Eardley, and Gardner voting aye.

CONSIDERATION OF RESOLUTION NO. R-2011-1530, A RESOLUTION APPROVING A CONFLUENCE PARK TAMARISK REMOVAL AGREEMENT BETWEEN BUNTING'S CUT AND CHIP AND WASHINGTON COUNTY

Habitat Conservation Plan (HCP) Administrator Robert Sandberg said that the HCP was successful in obtaining a thirty-thousand dollar (\$30,000.00) grant from the LaRae McAllister Fund to perform some tamarisk and Russian Olive tree removal in Confluence Park. At this time, the County advances the funds, and once the work is complete, the grant will be forthcoming.

MOTION: Motion by Commissioner Eardley to Adopt Resolution No. R-2011-1530, A Resolution Approving A Confluence Park Tamarisk Removal Agreement Between Bunting's Cut And Chip And Washington County. Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Drake, Eardley, and Gardner voting aye.

CONSIDERATION OF FINAL PLAT APPROVAL FOR COPPER CLIFFS - PHASE 1, 18 LOTS, LOCATED ADJACENT TO GRASSY MEADOWS SKY RANCH; PHASES 2 AND 4, GENERALLY LOCATED 2 MILES SOUTH OF HURRICANE. SUNFIRST BANK / CHRIS PARKER, APPLICANT

Ms. Goheen said that this subdivision was approved in 2005 by both the Planning Commission and County Commission. There was a three (3) foot protection strip to the south that was left by the previous owner, which needed to be purchased and made a part of the plat so that property owners could have access to their land. The bank has foreclosed and wants to complete the project so that it can begin receiving revenue from the property, so it has been re-platted to include the strip.

Commissioner Eardley abstained from voting, declaring a potential conflict of interest.

MOTION: Motion by Commissioner Gardner to Approve the Final Plat For Copper Cliffs - Phase 1, 18 Lots, Located Adjacent To Grassy Meadows Sky Ranch; Phases 2 And 4, Generally Located 2 Miles South Of Hurricane. Motion seconded by Commissioner Drake and carried by majority vote, with Commissioners Drake and Gardner voting aye, and Commissioner Eardley abstaining.

COMMISSIONERS' REPORT

Community Education Channel representative Stan Everett, with Dixie State College, discussed a new program, VODDOV (Video on Demand, Demand on Video). In the past fifteen (15) years, television programming has only been available through cable or Skyview Technologies, reaching approximately twenty-two thousand (22,000) homes. The new system is available to anyone anywhere. The recent airport dedication was broadcast live around the world, garnering more than nine-hundred (900) hits. Every program that Dixie College records can now be viewed on demand. People who don't have access to the internet can access these programs at the public library. The website can be accessed at: www.VODDOV.com

PUBLIC WORKS OR ROAD BUSINESS

Public Works Director Ron Whitehead said that the road crew is currently working on Old Highway 91 and it should be in a safe, passable state by the end of the week. The speed is reduced along those few miles where damage was sustained, but it is otherwise open in both directions.

Crews are also working on the Moody Wash Crossing north of Gunlock, spreading the footings, and hope to be finished in approximately three (3) weeks.

After those two (2) projects are complete, work will begin on Enterprise Reservoir Road, perhaps in conjunction with the Forest Service, which needs access to the dams for purposes of checking water levels.

It is hoped that funding may be obtained through the Natural Resources Conservation Service (NRCS) and possibly from the State of Utah, Utah Department of Transportation, for some of these projects. Commissioner Eardley asked for cost estimates on these three (3) projects. Mr. Whitehead estimated a minimum of four hundred and eighty thousand dollars (\$480,000.00) for Old Highway 91; to replace the approach to the bridge, approximately fifty thousand dollars (\$50,000.00); and approximately forty thousand dollars (\$40,000.00) for the Enterprise Road. There are two (2) significant chunks out of that road, and the Enterprise Irrigation Company is working to fix a break in a line going into the reservoir. After that is complete, the Road Department will repair the road and put some rock armoring along that stretch of road. It may be wise to lower the level of the

reservoir to accommodate the heavy snowpack which, after melting, could cause flooding. There is some concern as to how much water can be let out of the bottom of that dam to facilitate the overflow. Gunlock Reservoir has been letting water out of the bottom, trying to take some of the pressure off the top, and Trees Ranch Dam has been significantly lowered, as well.

The Natural Resources Conservation Service (NRCS) has informed the County that its original twenty million dollar (\$20,000,000.00) estimate to armor-protect the infrastructure from the 2005 flood is still accurate. It has some requests for exigency funding that it is going to submit, along with a request for funding for the rest of the projects. Pete Kuhlmann, Emergency Services Director, has received word from the State of Utah that FEMA officials have acknowledged that Washington County meets the threshold for disaster relief, and the Governor's Office is in the process of preparing a disaster declaration to send to the federal government to request additional funding.

Total estimated damage for the area is approximately five and one-half million dollars (\$5,500,000.00).

Chairman Drake asked Mr. Whitehead to convey to the Road Crew the Commission's appreciation for their hard work during these recent difficult times.

COUNTY DEVELOPMENT AND PLANNING BUSINESS

Administrator Dean Cox said that progress continues on the Justice Center. The weather has slowed outside construction, but the interior of the building is proceeding according to schedule. The anticipated completion date is mid-March, with the move scheduled for late March. The nearby District Court will not be in session during that time, which will facilitate the move.

Request a Closed Session

None.

There being nothing further to come before the Commission, the meeting was adjourned at 4:38 p.m.

CHRISTINE S. HALL
DEPUTY CLERK

DENNIS DRAKE
CHAIRMAN